

APPROVED: Meeting No. 39-87

ATTEST:

Helen M. Heneghan

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND

MEETING NO. 38-87

September 28, 1987

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, September 28, 1987, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the chair.

In attendance: City Manager Richard V. Robinson, City Clerk Helen M. Heneghan, City Attorney Paul Glasgow.

Re: Invocation

The invocation was delivered by Reverend Bill Lang of the Rockville Free Methodist Church.

Re: City Manager's Report

City Manager Richard Robinson reported the following:

1. The grating and seeding project that was done for the park on North Washington Street at Middle Lane was adversely effected by the heavy rain. It will be redone and the project should be finished soon.

Re: Mayor's Report

Mayor Van Grack reported the following:

1. Mayor Van Grack wished a Happy New Year to all of those who celebrated this week.
2. The Mayor congratulated College Gardens Elementary, Maryvale and Ritchie Park schools for the marvelous Constitution celebrations they had last week.
3. A letter should be sent to Governor Schaefer asking for funding for the Rt. 28 project, undergrounding the wires. A formal request should be made to the State Highway Administration.
4. Rusty Wallace, Youth Services Division, should be commended for his follow-up on the Rockville Says No To Drugs program for the pamphlet issued in conjunction with M.A.D.D. and S.A.D.D. He exhibited the red ribbon that will be distributed to those who care about preventing drunk driving.
5. On October 5th, there will be a staff presentation of the Rockville Pike Plan in the Council Chambers at 7:30 p.m.
6. This evening, number 9 on the agenda, the Rent Control Discussion, will be moved before the public hearing which is number 7 on the agenda.
7. There are three items of new business that should be discussed this evening. The grocery store at Twinbrook, Fortune Parc testimony and the gypsy moth program.
8. The Historic District Commission should be commended for their work in putting together the Historic District Resources Plan.

Re: Council's Report

1. Councilman Coyle, the City's representative to the Metropolitan Washington Council of Governments Public Safety Committee, noted that a program for regional smoke detectors will be kicked off October 7th at the Friendship Fire Engine

Station, which is known as Washington's Own, since president George Washington had been a volunteer member of that particular station.

2. Councilman Duncan noted that a memorandum has been received from the City Attorney on Personnel matters, and asked for an executive session at the end of the evening on that matter.

Re: Proclamation: Employ
the Handicapped Week,
October 1-8, 1987

Proclamation No. 19-87

There being no objection from the Council, Mayor Van Grack proceeded to issue Proclamation No. 19-87, the full text of which can be found in Proclamation File No. 2, proclaiming the week of October 1-8, 1987, as Employ the Handicapped Week. Mayor Van Grack read the proclamation in which it was urged that all employers, both in the public and private sector, afford equal employment opportunities to qualified handicapped persons. Mr. Michael Taff, Chairman of the City's Human Rights Commission, and Pat Walker, Montgomery County Employ the Handicapped Committee, accepted the proclamation from the Mayor.

Re: Report from Human
Rights Commission on
Hate/Violence activity

Mr. Michael Taff, Chairman of the Human Rights Commission, reported that a sub committee had been formed to look into Hate/Violence matters and it was their opinion that the insidious nature of the activities undermines the stated public policy of the City. The Commission condemns the kind of hate/violence activity that is any perceived or real threat to all Rockville citizens. The committee will call for a public forum to bring together groups from both the public and private sectors sometime in late November to gather ideas on both how to address the present situation and prevent these things from recurring. The date will be published as soon as it is available.

Re: Citizen's Forum

Mayor Van Grack opened the meeting to all those citizens who wished to address the Mayor and Council.

1. Lisa Taylor, President of the Rockville Chamber of Commerce, spoke to the Mayor and Council as a member of the Montgomery County Board of Realtors and asked that rent control not be enacted in the City. Ms. Taylor suggested a strong competitive housing market as a better answer to the problem.

2. Craig Falk, Chairman of the Economic Development Commission, addressed the Mayor and Council expressing the concern of the Economic Development Commission with the delay in the adoption of a Rockville Pike Plan. The Commission has urged that the Mayor and Council establish a swift resolution to the new plan.

3. Joan Hatfield, Director of Government Affairs on the Montgomery County Board of Realtors, spoke to the Mayor and Council and urged them not to pass a rent control law. Ms. Hatfield introduced realtors present and said they are willing to work with the Mayor and Council and assist with the monitoring and enforcing of voluntary guidelines.

4. Bernard Black addressed the Council and spoke against rent control and explained that it never works. Mr. Black cited his experience in other jurisdictions.

5. Ann Baur addressed the Council concerning agenda item number 10, which is the Rainbow Shelter's request for grant money. Ms. Baur asked that \$7,000.00 be contributed by the City of Rockville. The Mayor and Council expressed their favorable attentions toward the request when it will be addressed later this evening.

6. Helayne Baker, Vice Chairman of the Montgomery County Coalition for the Homeless, addressed the Council and spoke on behalf of the Rainbow Shelter since the Coalition looks to them to place homeless women.

7. Helen Hillstrom, resident and member of the New Horizons Task Force, spoke to the Council against the idea of rent control and suggested there be more affordable housing and single family units since rent control discourages investors and ends one of the prime sources of affordable housing.

8. Fred Thoms, 2 Eton Overlook and a member of the Board of Directors of the Board of Realtors, told the Mayor and Council that he is opposed to rent control and suggested that the Mayor and Council work to encourage the development of affordable housing units.

9. Ruth Loevinger, 12 Lakeside Overlook, told the Mayor and Council that the 1983 map is still being given out and asked when the next map will be published. The City Manager explained that funds have been budgeted and the work is in progress.

Re: Adoption of Ordinance:
To Amend Ordinance No.
10-87, To Appropriate
Funds and Levy Taxes,
FY88.

Ordinance No. 19-87

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 19-87, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, amending Ordinance No. 10-87, to appropriate funds and levy taxes, was adopted by the Mayor and Council.

Re: Adoption of Ordinance:
To Amend Chapter 10A of
the "Laws of
Rockville" entitled
"Smoking Prohibitions
and Restrictions" by
adding provisions
regulating smoking in
eating and drinking
establishments that
seat less than 50
patrons.

Ordinance No. 20-87

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 20-87, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, amending Chapter 10A of the "Laws of Rockville" entitled "Smoking Prohibitions and Restrictions" by adding provisions regulating smoking in eating and drinking establishments that seat less than 50 patrons was adopted by the Mayor and Council.

Re: Award of Contract: Bid
#19-88, Rockville
Heights, SWM

This bid covers the construction of a Storm Water Management (SWM) dry pond on an open area of land purchased by the City specifically for this purpose. The site is bounded by existing homes on three sides (Washington Street, Maryland Avenue, S. Adams Street) and the Jefferson Building parking lot on the north. It will be accessed via Leland Street. The project includes construction of a large storm drain outfall piping system down Leland Street to connect to an existing system previously constructed on Maryland Avenue. Landscaping has not been included in this contract but will be accommodated later. Twelve companies picked up bid documents and of this number, two submitted bids as follows:

Concrete General Inc. - Gaithersburg	\$471,129.00
Nazario Construction Company Inc. - Beltsville	\$580,964.00
Budget appropriation (Engineer's Est.)	\$372,000.00

Adequate funds have been appropriated and are available to cover the costs of this project.

The low bidder has satisfactorily performed similar projects for the City in the past.

Staff recommends award to the low bidder, Concrete General Inc., in the amount of the bid of \$471,129.00, subject to acceptance of a potential delay due to a

Wetlands matter, and further recommends the City Manager be directed to execute the contract accordingly.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid #19-88 was awarded to the low bidder, Concrete General Inc., in the amount of \$471,129.00.

Re: Award of Contract: Bid #20-88, Water main rehabilitation at various locations throughout the City - projects 5F33 (W&S) and 8F38 (CDBG); Water Main Extensions in S. Adams Street and S. Van Buren Street - Project 8G33; Water Main Facilities in Montgomery Avenue - Project 6B33.

All of the subject projects have been authorized by the Mayor and Council through the CIP process.

Three bids were received as follows:

Spiniello Construction Co., Morristown, NJ	\$407,813.00
Mainlining Service Inc., Elma, NY	\$524,473.00
Heitkamp, Inc., Watertown, CT	\$532,315.00
Engineers Estimate	\$446,665.00
Budget Appropriation	\$455,000.00

The low bidder, Spiniello Construction Company is an expert in this field. They have performed similar work for the City in the past and have done an excellent job. The favorable prices in this contract are to some extent due to the timing of the bid. The company will be completing a similar project for WSSC on October 1, 1987 and can thereafter move their workers and equipment directly onto the City project.

Staff recommends the following action by Mayor and Council:

1. Extend the bid to include cleaning and lining the Forest Avenue mains at the Unit prices established in the contract.

2. Award the bid to the low bidder, Spiniello Construction Company in the adjusted sum of \$433,813.00 with authorization to the City Manager to execute the contract.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid #20-88 was awarded to the low bidder, Spiniello Construction Co., in the adjusted sum of \$433,813.00 to include cleaning and lining the Forest Avenue mains at the unit price established in the contract.

Re: Public Hearing: Proposed Resolution To Amend Section 4 of Article VIII of the Charter of the City of Rockville, to add a new section 5 to Article VIII and to renumber Section 5, 6, 7 and 8 of Article VIII so as to provide that the Mayor and Council may provide by ordinance for appointments and promotions in the classified civil service on the basis of merit and fitness; to provide for a civil service which will consist of both a merit system and a non-merit system and provide a mechanism whereby the following offices and positions may be placed in the non-merit service by resolution of the Mayor and Council: 1) Heads of all departments; 2) The Assistant to the City Manager 3) The Administrative Assistant to the City Manager 4) Deputy Police Chief; 5) Senior Budget Analyst; 6) All members of Information Systems Division 7) Golf Course Superintendent; 8) Assistant Golf Course Superintendent; 9) Assistant Director of Finance; 10) Administrative Assistant to the Director of Recreation and Parks; 11) Landscape Architect; 12) Aquatic Facility Manager (evening and weekend); 13) Public Information Officer; 14) part-time, temporary and unpaid offices and positions and to provide that all other employees are part of the merit service except those positions appointed by the Mayor and Council.

Public Hearing: Proposed Ordinance: To Amend Chapter 3 of the "Laws of Rockville", entitled "Personnel Regulations", to provide for the creation of both a merit and non-merit civil service system.

Public Hearing: Proposed Resolution: To Establish certain Civil Service positions as non-merit positions.

The Mayor and Council conducted a public hearing on the Charter Amendment, Ordinance and Resolution making major personnel changes in the City. There being

no persons wishing to be heard, the Mayor declared the hearing closed, with the record to be held open for a period of two weeks.

Re: Discussion and
Instructions to staff
Re: Drafting of a Rent
Control Ordinance.

The Mayor and Council discussed the possibility of changes to the system of rent control now used by the City, which is one of voluntary compliance. It has come to the Council's attention that there is non-compliance, and suggestions have been received for more stringent controls. During the discussion, Mayor and Council noted a new ordinance should be the subject of public hearing and there was the possibility, as suggested by Councilman Hartogensis, that action might be premature since there is not yet a full year's experience. After discussion, the Council agreed to meet with representatives of the Board of Realtors as soon as possible in an attempt to work out a monitoring system. The matter will be placed on the Mayor and Council's agenda for a meeting on October 12th so that additional steps can be taken if necessary. However, at the present time, since the staff is working on the requested justification and a meeting with the representatives of the Board of Realtors can be accommodated, any action might be premature.

The Mayor and Council instructed the City Attorney to prepare a housekeeping ordinance that would exclude not for profit organizations from the reporting requirements of the present ordinance.

Re: Public Hearing:
Annexation Petition, X-
101-87, Ecker and
Brown, and Construction
Group, Inc.,
Applicants, requesting
that the Mayor and
Council amend the
corporate boundaries of
the City by adding
10.82 acres more or
less, at the northeast
quadrant of the

intersection of Scott Drive and Wescott Place and place the property in the R-S, Suburban Residential Zone.

The Mayor and Council conducted a public hearing on Annexation Petition X-101-87, Ecker and Brown, and Construction Group, Inc., Applicants, requesting that the Mayor and Council amend the corporate boundaries of the City by adding 10.82 acres more or less, at the northeast quadrant of the intersection of Scott Drive and Wescott Place and place the property in the R-S, Suburban Residential Zone. The Mayor and Council heard those persons as can be found in the official stenographic transcript. There being no other persons wishing to be heard, the Mayor declared the hearing closed and the record to be held open until October 19th at 5:00 p.m.

Re: Public Hearing: Text Amendment Application, T-81-86, Petvacx, Inc., Applicant, allowing certain mobile public and professional services in the C-1 zone.

The Mayor and Council conducted a public hearing on text amendment application T-81-86, Petvacx, Inc., Applicant, which would allow certain mobile public and professional services in the C-1 zone. The Mayor and Council heard those persons as can be found in the official stenographic transcript. There being no other person wishing to be heard, the Mayor declared the hearing closed and the record to be held open until October 19th at 5:00 p.m.

Re: Decision: Request of Rainbow Shelter for Grant Money

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Mayor and Council agreed to grant the Rainbow Shelter the sum of \$7,000.00, the funds to be taken from the Mayor and Council's Target of Opportunity account.

Re: Correspondence

1. Montgomery County Historical Society, thankyou.
2. Norma Duffin, thankyou.
3. N. Pokorny, thankyou.
4. Information on Delegation meeting.
5. Various letters re Rainbow Place.

Re: New Business

1. Councilman Duncan instructed the City Manager to add the paragraph which the City Manager submitted to the Mayor and Council to the Fortune Parc testimony.

2. The Mayor and Council agreed that the staff should proceed with whatever legal documentation is necessary to assist in the development of the enlargement of the grocery store in the Twinbrook neighborhood. The Mayor asked the City Manager to look into the use of CDBG funds for renovation.

3. The Mayor and Council instructed the City Manager to proceed with the program to prevent gypsy moths. The City Manager suggested the funds could be made available through a supplemental appropriation at mid-year and the Council agreed to that. The City Manager asked if this should be extended to private property. The Council agreed that it should.

Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of 36-87, were approved as written.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of 37-87, were approved as modified.

The City Manager announced that a preliminary draft of the Rockville Pike Plan is now available to the public.

Re: Executive Session

On motion of Councilman Duncan, duly seconded and unanimously passed, the meeting was closed for Executive Session to discuss personnel matters.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 1:15 a.m., September 29, 1987, to convene again in general session, Monday, October 12, 1987, at 8:00 p.m. or at the call of the Mayor.